

REMARKS

Claims 11 to 23 have been withdrawn from examination without prejudice.

Claim 24 is amended so as to incorporate the characteristics previously recited in claims 25 and 26 regarding the crystalline ingredient.

Claims 25 and 26 are canceled.

Claims 27 and 28 are amended so as to refer to claim 24 instead of claims 25 and 26.

Claim 29 has been previously presented.

Claims 30 to 36 are withdrawn from examination until allowance since a rejoinder has been requested. Reference is hereby made to the BNA'a PCT Vol. 51, page 626.

Claims 24 and 27 to 29 are hence pending.

Rejections under 35 U.S.C. 102(b)

Claims 24-29 were rejected under article 35 U.S.C. 102(b) over Sakari Taskinen (EPA 481,940).

This rejection is respectfully traversed and reconsideration is requested for the reasons that follow:

Instant claim 24 recites that the crystalline ingredient conferring the rough texture to the sweet of boiled sugar type of the invention has a melting point greater than 110°C, whereas xylitol, which is incorporated in the sweet of EPA'940, has a melting point of 93°C, i.e. inferior to 110°C.

As a consequence, xylitol cannot be considered as a crystalline ingredient suitable for conferring a rough

texture to the sweet and EPA'940 hence does not disclose the sweet of boiled sugar type of the invention.

Claim 24 and dependent claims 27 to 29 thereof are hence novel over EPA'940.

The rejection under article 35 U.S.C. 102(b) over Sakari Taskinen (EPA 481,940) should hence be withdrawn.

Further, the objective of Sakari Taskinen (EPA'940) is to prepare a "glasslike" hard boiled confectionery product containing xylitol instead of saccharose and glucose (see page 2, line 7 of EPA'940). There is no concern in EPA'940 about preparing a sweet of boiled sugar type exhibiting a rough texture intended for the treatment of halitosis.

As a consequence, EPA'940 does not teach nor suggest the invention and the invention is hence to be seen as inventive over the prior art.

In view of the foregoing, favorable consideration and prompt allowance of these claims are respectfully requested.

Respectfully submitted

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